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7 Attorney for Marcus Mattingly

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9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 MARCUS MATTINGLY,

15 Defendant.

Case No. 2:21-MJ-00231-BNW-1

**STIPULATION TO CONTINUE  
PRELIMINARY HEARING**  
(Third Request)

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17 IT IS HEREBY STIPULATED AND AGREED, by and between Christopher Chiou,  
18 Acting United States Attorney, and Melanee Smith, Assistant United States Attorney, counsel  
19 for the United States of America, and Rene L. Valladares, Federal Public Defender, and  
20 Andrew Wong, Assistant Federal Public Defender, counsel for Marcus Mattingly, that the  
21 Preliminary Hearing currently scheduled on June 8, 2021 at 3:30 pm, be vacated and continued  
22 to a date and time convenient to the Court, but no sooner than thirty (30) days.

23 This Stipulation is entered into for the following reasons:

- 24 1. Defense counsel needs additional time to review discovery.  
25 2. Parties have entered negotiations and need the additional time to resolve this  
26 matter.

1           3.       Defendant is incarcerated and does not object to a continuance.

2           4.       Additionally, denial of this request for continuance could result in a  
3 miscarriage of justice.

4           5.       The additional time requested by this stipulation is excludable in computing  
5 the time within which the indictment must be filed pursuant to the Speedy Trial Act, Title 18,  
6 United States Code, Section 3161(b), considering the factors under Title 18, United States  
7 Code, Section 3161(h)(7)(A) and (B)(i) and (iv). The additional time requested by this  
8 stipulation also is excludable in computing the 90-day speedy trial clock imposed by the  
9 Speedy Trial Act, Title 18, United States Code, Section 3161(c), considering the factors under  
10 Title 18, United States Code, Section 3161(h)(7)(A) and (B)(i) and (iv).

11           This is the third request for continuance filed herein.

12           DATED this 7<sup>th</sup> day of June, 2021.

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14       RENE L. VALLADARES  
15       Federal Public Defender

CHRISTOPHER CHIOU  
Acting United States Attorney

16       /s/ Andrew Wong  
17       By \_\_\_\_\_  
18       ANDREW WONG  
19       Assistant Federal Public Defender

20       /s/ Melanee Smith  
21       By \_\_\_\_\_  
22       MELANEE SMITH  
23       Assistant United States Attorney

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 MARCUS MATTINGLY,

7 Defendant.  
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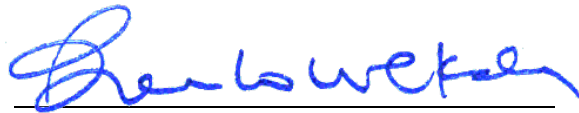
Case No. 2:21-MJ-00231-BNW-1

**ORDER**

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10 Based on the Stipulation of counsel and good cause appearing,

11 IT IS THEREFORE ORDERED that the Preliminary Hearing currently scheduled on  
12 Tuesday, June 8, 2021 at the hour of 3:30 p.m., be vacated and continued to  
13 July 13, 2021 at the hour of 2:00 p.m.

14 DATED this 7<sup>th</sup> day of June, 2021.

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17 UNITED STATES MAGISTRATE JUDGE  
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